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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,175	06/20/2003	Robert I. Rudko	LE-204J 9703	
Iandiorio & Te	7590 11/01/200	EXAMINER		
260 Bear Hill Road			FARAH, AHMED M	
Waltham, MA 02451-1018			ART UNIT	PAPER NUMBER
			3735	
		•	MAIL DATE	DELIVERY MODE
			11/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Application	No	Applicant(s)			
Office Action Summary			NO.				
		10/600,175	ı	RUDKO ET AL.			
		Examiner		Art Unit			
	7	Ahmed M. Fa		3735			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).							
Status .							
1) 🛛	Responsive to communication(s) filed on 2	<u> 21 June 2007</u> .					
2a) <u></u> □	This action is FINAL. 2b)⊠ This action is non-final.						
3)	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims							
<ul> <li>4)  Claim(s) 1-23 is/are pending in the application.</li> <li>4a) Of the above claim(s) is/are withdrawn from consideration.</li> <li>5)  Claim(s) 16-21 and 23 is/are allowed.</li> <li>6)  Claim(s) 1-3,5-7,9,13-15 and 22 is/are rejected.</li> <li>7)  Claim(s) 4,8 and 10-12 is/are objected to.</li> <li>8)  Claim(s) are subject to restriction and/or election requirement.</li> </ul>							
Application Papers							
9)	The specification is objected to by the Exan	miner.					
10)	The drawing(s) filed on is/are: a)	accepted or b)	objected to by the E	Examiner.			
	Applicant may not request that any objection to						
	Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
Priority (	ınder 35 U.S.C. § 119						
<ul> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No.</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>							
2) Notice 3) Infor	et(s) See of References Cited (PTO-892) See of Draftsperson's Patent Drawing Review (PTO-948) See of Draftsperson's Patement(s) (PTO/SB/08) Seer No(s)/Mail Date	3) 5	) Interview Summary Paper No(s)/Mail Da ) Notice of Informal P ) Other:	ate			

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## **DETAILED ACTION**

## Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by Rudko et al. U.S. Patent No. 5,830,210.

Rudko et al. disclose a catheter system including a treatment catheter and navigation catheter, comprising: a hub (distal end 40) advanceable in vasculature; a plurality of fibers 26a-26b extending from the hub; and an expandable mechanism (framework 42 comprising plurality of flexible ribs 44), wherein the optical fibers are connected to the flexible ribs 44, such that when the framework is expanded the fibers are spread into position to contact the vascular tissue.

2. Claims 1-3, 5-7, 9, 13-15 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Winston et al. U.S. Patent No. 6,106,515.

Winston et al. disclose expandable laser catheter system and method of use for treating vascular tissue, the catheter system comprising:

- a rotatable catheter shaft advanceable in vasculature;
- a plurality of optical fibers extending from the catheter shaft for ablating the vascular tissue; and

an expandable mechanism (e.g. balloon 22, and fins 66A, 66B) connected to the plurality of fibers for spreading the fibers into position as claimed (see the abstract; Figs. 1-4 and 8; col. 1, line 60 through col. 2, line 20; col. 6, lines 2-23; and claims 1-9 and 18-20).

## Allowable Subject Matter

Claims 16-21 and 23 are allowed.

Claims 4, 8 and 10-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

## Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ahmed M. Farah whose telephone number is (571) 272-4765. The examiner can normally be reached on Mon, Tue, Thur and Fri between 9:30 AM 7:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marmor II Charles can be reached on (571) 272-4730. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ahmed M Farah Primary Examiner Art Unit 3735

October 29, 2007.